

# Algeria

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

## **International Religious Freedom Report 2009**

**October 26, 2009**

The Constitution provides for freedom of belief and opinion and permits citizens to establish institutions whose aims include the protection of fundamental liberties of the citizen. The Constitution declares Islam the state religion and prohibits institutions from engaging in behavior incompatible with Islamic morality.

Ordinance 06-03 provides for the freedom of non-Muslims to practice religious rites, on condition that the exercise thereof is in keeping with the ordinance, the Constitution, and other laws and regulations and that public order, morality, and the rights and basic freedoms of others are respected. The law prohibits efforts to proselytize Muslims, but it is not always enforced.

There was no change in the status of respect for religious freedom by the Government during the reporting period. In February 2008 the Government began enforcing Ordinance 06-03, which regulates non-Muslim religious practice. The ordinance increased restrictions on non-Muslim worship, including court proceedings and fines against some Christian converts; however, the number of court cases during the reporting period as compared to the previous period decreased significantly. The Government reportedly did not approve any requests for registration by non-Muslim religious associations, including Christian groups that attempted to comply with the ordinance. The governmental National Commission for Non-Muslim Religious Services, created by the ordinance to regulate the registration process, met quarterly yet did not establish an administrative means to implement the ordinance again this reporting period. Government officials made public statements that criticized evangelism and emphasized the dominant role of Islam in society. There were claims of government restrictions on worship, including the denial of visas to religious workers, the ordered departure of one religious worker affiliated with a Catholic order, and confiscation of Bibles.

Although society generally tolerates foreigners and citizens who practice religions other than Islam, some local converts to Christianity kept a low profile out of concern for their personal safety and potential legal and social problems. Radical Islamists harassed and threatened the personal security of some converts to Christianity. Islamists continued to justify their killing of security force members and civilians by referring to interpretations of religious texts. Muslim religious and political leaders publicly criticized acts of violence committed in the name of Islam. Anti-Semitic articles occasionally appeared in the independent press. Press reports concerning riots between Maliki and Ibadi Muslim groups in Berriane suggested that sectarian differences contributed to the violence.

The Ambassador and embassy officers raised concerns about religious discrimination with senior government officials. Specifically, officials from the Embassy and the State Department raised concerns with the Government concerning its order to close churches, its treatment of Muslim citizens who wish to convert to other religious groups, and lack of progress in registering non-Muslim religious organizations. The U.S. Government also discussed religious freedom with representatives of religious groups and members of civil society.

### Section I. Religious Demography

The country has an area of 919,595 square miles and a population of 36 million. More than 99 percent of the population is Sunni Muslim. There is a small community of Ibadi Muslims in the province of Ghardaia. Unofficial estimates of the number of Christian and Jewish citizens vary between 12,000 and 50,000. The vast majority of Christians and Jews fled the country following independence from France in 1962. In the 1990s, many of the remaining Christians and Jews emigrated due to acts of terrorism committed by Muslim extremists. According to Christian community leaders, evangelical Christians, mostly in the Kabylie region,

account for the largest number of Christians, followed by Methodists and members of other Protestant denominations, Roman Catholics, and Seventh-day Adventists. A significant proportion of Christian foreign residents are students and illegal immigrants from sub-Saharan Africa seeking to reach Europe; their numbers are difficult to estimate.

For security reasons, due mainly to the civil conflict, Christians concentrated in the large cities of Algiers, Annaba, and Oran in the mid-1990s.

During the reporting period, the press occasionally reported that Christian proselytizing had resulted in significant numbers of Muslims in the Kabylie region converting to Christianity; however, Christian sources reported those figures as exaggerated. There were no standardized statistics on the number of religious conversions. Reporting suggests that citizens, not foreigners, made up the majority of those actively proselytizing in Kabylie.

Since 1994 the Jewish community has diminished to less than 2,000 members due to fears of terrorist violence. The Jewish community was not active, and the synagogues remained closed.

In Algiers, church services are attended primarily by members of the diplomatic community, expatriate Westerners, sub-Saharan African migrants, and a few local Christians.

## Section II. Status of Government Respect for Religious Freedom

### Legal/Policy Framework

The Constitution provides for freedom of belief and opinion and permits citizens to establish institutions whose aims include the protection of fundamental liberties of the citizen. The Constitution declares Islam the state religion and prohibits institutions from engaging in behavior incompatible with Islamic morality.

Ordinance 06-03 provides for the freedom of non-Muslims to practice religious rites, on condition that the exercise thereof is in keeping with the ordinance, the Constitution, and other laws and regulations and that public order, morality, and the rights and basic freedoms of others are respected. The law prohibits efforts to proselytize Muslims, but it is not always enforced.

Conversion is not illegal under civil law, and apostasy is not a criminal offense. The Government permits missionary groups to conduct humanitarian activities as long as they do not proselytize.

Ordinance 06-03, which entered into effect in September 2006 and has been enforced since February 2008, limits the practice of non-Muslim religions, restricts public assembly for the purpose of worship, and calls for the creation of a national commission to regulate the registration process. The ordinance requires organized religious groups to register with the Government, controls the importation of religious texts, and orders fines and punishments for individuals who proselytize Muslims. Many representatives of churches and some human rights organizations reported that the Government has not provided the administrative means to process and approve requests to register non-Muslim religious groups under the ordinance. The National Commission for Non-Muslim Religious Services, the governmental entity responsible for regulating the registration process for non-Muslim religious groups, reportedly had not approved any requests for accreditation by non-Muslim religious associations by the end of the reporting period. Christian citizens who converted from Islam reportedly constitute the vast majority of the groups who have sought legal registration.

Because the Government has not registered any new churches since enforcing Ordinance 06-03 in February 2008, many Christian citizens continue to meet in unofficial "house churches," which are often homes or businesses of church members. Some of these groups meet openly, while others secretly hold worship services in homes.

Ordinance 06-03 made proselytizing a criminal offense, and established the punishment for it as one to three years in jail and a maximum fine of \$6,945 (500,000 dinars) for lay individuals and three to five years' imprisonment and a maximum fine of \$13,890 (one million dinars) for religious leaders. The law stipulates a maximum of five years in jail and a \$6,945 (500,000 dinars) fine for anyone who "incites, constrains, or utilizes means of seduction tending to convert a Muslim to another religion; or by using to this end

establishments of teaching, education, health, social, culture, training...or any financial means." Anyone who makes, stores, or distributes printed documents, audiovisual materials, or the like with the intent of "shaking the faith" of a Muslim may also be punished in this manner.

Some aspects of the law and many traditional social practices discriminate against women. The Family Code, which draws on Shari'a, treats women as minors under the legal guardianship of a husband or male relative. Under the code, Muslim women are prevented from marrying non-Muslims, although this regulation is not always enforced. The code does not prohibit Muslim men from marrying non-Muslim women, but it prohibits them from marrying a woman of a non-monotheistic religious group. Under the law, children born to a Muslim father are Muslim, regardless of the mother's religion. In rulings on divorce, custody of the children normally is awarded to the mother, but she may not enroll them in a particular school or take them out of the country without the father's authorization. Under the 2005 Family Code amendments, women no longer need the consent of a male guardian (tuteur) to marry. The code only requires that a chaperone (wali) of her choosing be present at the wedding. This change signaled a major advance for women, as the role of a tuteur--usually a woman's father or other male relative--is to conclude the marriage on the woman's behalf, while a wali acts as a protector who is present while the woman concludes the marriage herself.

The Family Code also affirms the Islamic practice of allowing a man to marry up to four wives; however, he must obtain the consent of the current spouse, or spouses, the intended new spouse, and a judge.

Furthermore, a woman has the right to a no-polygamy clause in a prenuptial agreement. Polygamy rarely occurs in practice, accounting for only 1 percent of marriages.

Women suffer from discrimination in inheritance claims. The Family Code, which derives inheritance rules from Shari'a, states that women are entitled to a smaller portion of a deceased husband's estate than his male children or brothers. Non-Muslim religious minorities may also suffer in inheritance claims when a Muslim family member lays claim to the same inheritance. Women may take out business loans and are the sole custodians of their dowries; however, in practice women do not always have exclusive control over assets they bring to a marriage or income they have earned. Females under 18 years of age may not travel abroad without the permission of a male legal guardian.

The Constitution prohibits non-Muslims from running for the presidency. Non-Muslims may hold other public offices and work within the Government; however, reports state that they are not promoted to senior posts and they hide their religious affiliation.

The Ministry of Religious Affairs provides financial support to mosques and pays the salary of imams. The Government and private contributions of local believers fund mosque construction. The Ministry's Educational Commission is composed of 28 members who are in charge of developing the educational system for teaching the Qur'an. The Commission is responsible for establishing policy for hiring teachers for the Qur'anic schools and madrassahs, as well as ensuring that all imams are well qualified and that the imams instruction follows government guidelines aimed at stemming Islamist extremism.

The Ministries of National Education and Religious Affairs strictly require, regulate, and fund the study of Islam in public schools. There are 118 private schools (primary and secondary); however, the Government has not accredited all of these institutions, pending a review of their educational programs as required by the Ministry of National Education. The Government stated that the purpose of this measure is to ensure that all private schools follow the national curriculum endorsed by the Government, including teaching about Islam, and that Arabic is the primary language of instruction. Consequently, some private school students have to register as independent students within the public school system to take national baccalaureate examinations.

The Government observes the following Islamic holy days as national holidays: the Birth of the Prophet Muhammad, Eid al-Fitr, Eid al-Adha, Awal Moharem, and Ashura.

The Ministries of Religious Affairs, Foreign Affairs, Interior, and Commerce all must approve the importation of non-Islamic religious writings. Often, delays of five to six months occur before obtaining such approval, and there have been further delays once books reach customs. The Government periodically restricts the

importation of Arabic and Tamazight (Berber) translations of non-Islamic religious texts. The Government stated that its purpose is to ensure that the number of texts imported is proportional to the estimated number of adherents of religious groups.

It is legal for citizens and foreigners to bring personal copies of non-Islamic religious texts, such as the Bible, into the country. Non-Islamic religious texts, music, and video cassettes are available, and two stores in the capital sell Bibles in several languages. Government-owned radio stations continued their practice of broadcasting Christmas and Easter services in French. The Government prohibits the dissemination of any literature that portrays violence as a legitimate precept of Islam.

According to the Ministry of Religious Affairs, female employees of the Government are allowed to wear the hijab (headscarf) or crosses but are forbidden to wear the niqab (Islamic veil that covers the face).

The law requires religious groups to register their organizations with the Government prior to conducting any religious activity. The Catholic Church is the only officially recognized non-Muslim religious group in the country. The Anglican, Seventh-day Adventist, and other Protestant churches have pending registration requests with the Government and report no government interference in holding services.

Articles 5 through 11 of Ordinance 06-03 outline enforceable restrictions, which stipulate that all structures intended for the exercise of non-Muslim worship must be registered by the state. The articles also require that any modification of a structure to allow non-Muslim worship is subject to prior government approval and that such worship may only take place in structures exclusively intended and approved for that purpose. In May 2007 the Government issued Executive Decree 07-135, which gave greater precision to Article 8 of the Ordinance, specifying the manner and conditions under which religious services of non-Muslims may take place. The decree specifies that a request for permission to observe non-Muslim religious rites must be submitted to the wali (governor) at least five days before the event and that the event must occur in buildings accessible to the public. Requests must include information on three principal organizers of the event, its purpose, the number of attendees anticipated, a schedule of events, and its planned location. The organizers also must obtain a permit indicating this information and present it to authorities upon request. Under the decree, the wali can request that the organizers move the place of observance or an event or deny permission for it to take place if it is deemed a danger to public order.

In June 2007 the Government issued Executive Decree 07-158, which gave greater precision to Article 9 of the Ordinance, specifying the composition of the National Commission for Non-Muslim Religious Services and the regulations that govern it. It establishes that the Minister of Religious Affairs and Awqaf (Religious Endowments) presides over the Commission, which is composed of senior representatives of the Ministries of National Defense, Interior, Foreign Affairs, National Security, the National Police, the National Gendarmerie, and the governmental National Consultative Commission for the Promotion and Protection of Human Rights (CNCPPDH). Individuals within Christian communities reported that they were not consulted on the formation of the Commission. Individuals and groups who believe they are not being treated fairly by the Ministry of Religious Affairs may address their concerns to the CNCPPDH.

Government officials assert that Ordinance 06-03 is designed to apply to non-Muslims the same constraints it imposes on Muslims. In practice, Ordinance 06-03 and the Penal Code enable the Government to shut down any informal religious service that takes place in private homes or in secluded outdoor settings. Imams are hired and trained by the state and observances of Muslim services, with the exception of daily prayers, can only be performed in state-sanctioned mosques. Article 87 bis 10 of the penal code states that only government-authorized imams can lead prayer in mosques.

In September 2008 local press reported that the Ministry of Religious Affairs dismissed 53 imams and closed 42 locations used for unauthorized Islamic worship.

The Government appoints imams to mosques and provides general guidance on sermon topics. The Government legally may prescreen and approve sermons before they are delivered publicly during Friday prayers. In practice, each wilaya (province) and दौर (county) employs religious officials to review sermon content.

All persons, including imams recognized by the Government, are prohibited from speaking during prayers at the mosque in a manner that is "contrary to the noble nature of the mosque or likely to offend the cohesion of society or serve as a justification for such actions." If an imam's sermon is suspected by a ministry inspector of being inappropriate, he can be convoked to a "Scientific Council" composed of Islamic law scholars and other imams who assess the correctness of the sermon. An imam can be relieved of duty if convoked multiple times. The Government's right of review has not been exercised with non-Islamic religious groups. The Government also monitors activities in mosques for possible security-related offenses and bars the use of mosques as public meeting places outside of regular prayer hours.

Article 87 bis 10 of the Penal Code establishes strict punishments, including fines of up to \$2,780 (200,000 dinars) and prison sentences of one to three years, for anyone other than a government-designated imam who preaches in a mosque. Harsher punishments were established for any person, including government-designated imams, who acts "against the noble nature of the mosque" or acts in a manner "likely to offend public cohesion." The law does not specify what actions would constitute such acts.

The country has no hate crime legislation.

#### Restrictions on Religious Freedom

The Government continued to implement Ordinance 06-03, including court proceedings and fines against some Christian converts. The Government began applying Ordinance 06-03 in February 2008, which resulted in the closure of approximately 27 churches and legal action against members of some Christian groups. The Government maintained that it was acting in accordance with the law when it ordered the church closures because the churches were not registered. The churches ordered closed included both house churches and buildings of long-established churches within and outside of the Kabylie region.

Christian leaders reported that the Government did not register their organizations and places of worship despite efforts to comply with the ordinance. Many Christian groups indicated that they had repeatedly attempted to register with the Government but were unsuccessful, facing a lack of information and a local government bureaucracy ignorant of the process. Some applicants reported that some government administrative officials indicated their unwillingness to process applications, even if an administrative process existed.

Although the National Commission for Non-Muslim Religious Services convened quarterly, most recently on April 7, 2009, it did not establish an administrative means to implement the ordinance and Christian practitioners reported that it did not approve any requests for accreditation by their religious associations. The governmental commission was created to regulate the registration process established by Ordinance 06-03.

Leaders of the Anglican Church, the Seventh-day Adventist Church, and other Protestant churches reported that their applications for registration remained pending, in some cases for more than three years. Some said the Ministry of Religious Affairs offered occasional legal guidance on association laws and noted that complicated bureaucratic rules sometimes required that applications be resubmitted. According to reports, some Christian groups did not attempt to obtain legal status from the Government. During the reporting period, church groups reported that approximately 22 churches that lacked government recognition reopened and held services.

The Interior Ministry has the sole authority to grant association rights to religious or non-religious groups. The difficulties faced by religious groups in obtaining legal status are the same as those faced by non-religious civil society groups, non-governmental organizations, and others, whose petitions to the Interior Ministry are generally met with silence rather than documented refusal.

Church groups stated that the Government denied the visa applications of some religious workers, citing the government ban on proselytizing.

In 2008 the Government ordered the closure of a small school in Tamanrasset run by Catholic missionaries as a social welfare service for illegal immigrants. On March 24, 2009, the Ministry of Interior ordered a

Catholic volunteer who had worked for the school to depart the country. The Government also ended delivery of the group's religious magazines.

On March 24, 2009, in an interview with French-language daily *El Watan*, the president of the High Islamic Council, Cheikh Bouamrane, denied Christians were persecuted in the country and said that the "aggressive" approach of many evangelists necessitated the elaboration of Ordinance 06-03.

On March 17, 2009, the Arabic-language daily *Ennahar* reported that the Director of Religious Affairs in Oran stated foreign entities exploit the poverty of some families for the purposes of evangelization.

On February 12, 2009, the Arabic-language daily *Sawt Al Ahrar* reported that customs officials referred two French women arriving from Marseilles to the Algiers prosecutor on charges of evangelization after officers discovered in the women's possession 129 copies of the Bible translated into Arabic.

On November 18, 2008, an appeals court in Algiers reduced the sentence from three years' imprisonment to two months of time served for three men convicted of smoking during Ramadan. On September 21, 2008, authorities arrested the men and detained them for the duration of their trial.

On October 5, 2008, a court in Biskra fined six Muslim residents \$1,670 (120,000 dinars) each for eating and playing cards during daylight hours of Ramadan. Six days later an appeals court judge overruled the decision, stating that the original sentence violated the Constitution, which provides for freedom of belief.

On January 30, 2008, the Maghnia Court issued a one-year suspended prison sentence to a foreign Catholic priest for praying with Cameroonian migrants in an unauthorized place of worship. Upon appeal, he received a reduced suspended prison sentence of two months and a fine of \$303 (20,150 Dinars). He filed a new appeal, which was pending at the end of the reporting period.

Christian leaders representing several groups reported that they have been unable to import Bibles and other printed religious materials since 2005. Press reports indicated that police confiscated some Bibles in various wilayas during the reporting period.

#### Abuses of Religious Freedom

On December 31, 2008, authorities again postponed the trial of Habiba Kouider, with no indication of when the court would announce its verdict. On March 30, 2008, Kouider, a convert to Christianity, was charged in the western town of Tiaret with "practicing a non-Muslim religion without a permit." Kouider was traveling by bus when police questioned her and found her to be carrying Bibles and other religious materials. According to press reports, the prosecutor told her that if she reverted to Islam, he would drop the case. In a hearing before a local judge, the Tiaret prosecutor asked that Kouider be sentenced to three years in prison. On May 27, 2008, the Tiaret court referred the case for additional investigation. Her case was pending at the end of the reporting period.

On October 29, 2008, a court in Ain al-Turck, near Oran, acquitted Youssef Ourahmane, Rachid Seghir, and another convert to Christianity on charges of blasphemy. In February 2008, the three men faced charges under Ordinance 06-03 for "blaspheming the name of the Prophet (Muhammad) and Islam."

On July 3, 2008, a court in Tissemsilt gave Christian converts Rachid Seghir and Djammal Dahmani six-month suspended prison sentences and fines of \$1,390 (100,000 dinars) each on charges of proselytizing and illegally practicing a non-Muslim faith. On June 25, 2008, the court began a retrial of the two Christian converts, whom it had originally convicted in absentia on November 20, 2007, to two years in prison and fines of \$6,945 (500,000 dinars) each on the same charges.

On June 8, 2008, a Tiaret court handed Rachid Seghir a six-month suspended prison sentence and a fine of \$2,780 (200,000 dinars) on charges of evangelism. The courts in Tiaret and Djilfa charged five other Christian converts, Jillali Saidi, Abdelhak Rabihi, Chaaban Baikel, Mohamed Khan, and Abdelkader Hori, on the same grounds as Seghir. Saidi, Rabihi, and Baikel received two-month suspended prison sentences and fines of \$1,390 (100,000 dinars) each; Khan and Hori were acquitted.

#### Forced Religious Conversion

There were no reports of forced religious conversion, including of minor U.S. citizens who had been

abducted or illegally removed from the United States or who had not been allowed to be returned to the United States.

### Section III. Status of Societal Respect for Religious Freedom

In general, society tolerates foreigners who practice religions other than Islam. Although some local converts to Christianity keep a low profile out of concern for their personal safety and potential legal and social problems, many openly practice their new religion.

Radical Islamists, who seek to rid the country of those who do not share their extremist interpretation of Islam, committed violent acts and posed a significant security threat. Moderate Muslim religious and political leaders publicly criticized acts of violence committed in the name of Islam, such as the August 19, 2008 suicide bomb attack in Issers that killed 46 and injured 45 civilians.

A very small number of citizens, such as Ibadi Muslims living in the desert town of Ghardaia, practice non-mainstream forms of Islam or other religions and generally experience minimal discrimination. Press reports concerning August 2008 riots between Maliki and Ibadi Muslim groups in Berriane, near Ghardaia, suggested that sectarian differences contributed to the violence. There were no reports, however, of religious persecution or any official or unofficial restrictions on Ibadi Muslims against practicing their religion.

Anti-Semitism in state-owned publications and broadcasts was rare; however, anti-Semitic articles appeared occasionally in the independent press, especially Arabic-language newspapers with an Islamic outlook.

### Section IV. U.S. Government Policy

The Ambassador and other embassy and Department of State officials raised U.S. concerns about religious discrimination with senior government officials. Specifically, U.S. officials raised concerns with the Government concerning its order to close churches, the treatment of Muslim citizens who wish to convert to other religious groups, and the lack of progress in registering non-Muslim religious organizations.

The U.S. Ambassador and other embassy officials met regularly with officials of the Ministry of Foreign Affairs and the Ministry of Religious Affairs, as permitted. The Ambassador and other embassy officials also met with members of the Muslim Scholars Association and several national scholars of Islamic studies throughout the reporting period, as well as with several Christian and Jewish groups. Embassy officials attended seminars on religious tolerance and concepts of Islam specific to the country, often sponsored by the Government and national religious organizations. The U.S. Embassy met with religious leaders of Muslim and Christian communities and with the CNCPPDH.

During the reporting period, the Embassy further underscored the need for religious tolerance by funding two ongoing cultural restoration projects with religious significance for both Christians and Muslims. The Embassy maintained contact with three Islamic political parties (Movement for a Peaceful Society, Movement for National Reform, and Islamic Renaissance Movement).